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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
) CC Docket No. 95-116
Telephone Number Portability) (NSD File No. L-98-84)

REPLY COMMENTS OF SBC COMMUNICATIONS, INC.

Now comes SBC Communications, Inc. on behalf of its wireless and wireline subsidiaries¹ and files this reply to comments made regarding the North American Numbering Council's recommendations (Integration Report) concerning the integration of local exchange carrier (LEC) and Commercial Mobile Radio Service (CMRS) local number portability (LNP). As numerous commentors note, the Integration Report further demonstrates the need for the Commission to grant the Cellular Telecommunications Industry Association (CTIA) Petition for an Extension of the June 30, 1999 deadline and Petition for Forbearance.² This Commission emphasized that wireless LNP should be implemented in a manner that continues to support seamless roaming.³ While "automatic roaming" is not and should not be a Commission mandate, every carrier wishing to support "automatic roaming" should have the opportunity to deploy and test the changes needed to support the Mobile Identification Number (MIN)/Mobile Directory Number (MDN) split. As AT&T notes, if automatic roaming cannot be supported by all such carriers, "the Commission should delay wireless LNP implementation until all providers have a reasonable chance to perform the network changes".⁴

The only commentors urging the Commission to blindly adhere to the June 30, 1999

¹ Southwestern Bell Telephone Company, Pacific Bell, Nevada Bell and SBC Wireless, Inc. (Southwestern Bell Mobile Systems, Inc., Southwestern Bell Wireless, Inc. and Pacific Bell Mobile Services).

² Comments of BellSouth, pp. 13-14; Comments of Bell Atlantic, pp. 8-13; Comments of the Rural Telecommunications Group, pp. 6-7; Preliminary Comments of United States Cellular Corporation, pp. 1-5; Comments of the Cellular Telecommunications Industry Association, pp. 1-8; all filed August 10, 1998.

³ In the Matter of Telephone Number Portability, CC Docket 95-116, First Report and Order and Further Notice of Proposed Rulemaking, para. 164 (Released July 2, 1996) ("First Report and Order").

⁴ Comments of AT&T Corp., p. 9, filed August 10, 1998.

024

implementation date are CMRS resellers who are not facilities based and thus, are not faced with the technical problems and expenses of the facilities based CMRS carriers.⁵ MCI, a CMRS reseller, seemingly advocates that the Commission should take an "ostrich with its head in the sand" approach. MCI urges the Commission to ignore the documented problems associated with wireless LNP in a ported environment, characterizing them as "the same hackneyed recitals of why wireless carriers cannot implement number portability".⁶ TRA, on the other hand, acknowledges that the roaming problems are real and recognizes that the MIN/MDN separation proposal adopted by the industry "creates many administrative complexities and difficulties, because cutover must be coordinated nationwide".⁷ TRA suggests, however, that the Commission reject the industry agreed upon MIN/MDN split in favor of an unsupported solution "similar to that used for wireless portability—a 'location routing number' (LRN) approach" and the development of a brand new roamer registration approach based on a "Line Information Database Approach".⁸ The Commission should not summarily reject the solution developed, agreed upon and adopted by the industry. The MIN/MDN split was developed based upon its being the most efficient and economical way to implement LNP in the existing roaming environment. TRA fails to demonstrate that their 11th hour proposal can be implemented any quicker or at the same or less cost than the industry agreed upon MIN/MDN split. The arguments of the CMRS resellers should be rejected.

⁵ See, Comments of the Telecommunications Resellers Association filed August 10, 1998 (TRA Comments) & Comments of MCI Telecommunications Corporation filed August 10, 1998 (MCI Comments).

⁶ MCI Comments, p. 7.

⁷ TRA Comments, pp. 7-9.

⁸ TRA Comments, pp. 10-12.

The Commission should likewise reject MCI's attempt to have the Commission become involved in the elimination of the existing rate center structure for local calling scopes. The Commission has already recognized that rate centers are state issues.⁹ MCI's attempt to have the Commission intervene in a state matter regarding local calling scopes should be rejected.

What the Commission needs to do is provide clear guidance as to whether the "rate center disparity" and "porting interval disparities" are acceptable and, if so, must clearly state that such disparities cannot be the basis of a claim of discrimination.

1. THE COMMISSION SHOULD GRANT THE CTIA EXTENSION AND FORBEARANCE PETITIONS

A. The Commission Should Insure That All Carriers Have the Opportunity to Continue to Support Automatic Roaming

As SBC previously noted, the only roaming mandate that CMRS carriers have is to support "manual roaming", the ability to roam on a credit card.¹⁰ There is no requirement to provide "automatic roaming" and there is no record in this docket to support the imposition of such a mandate. Thus, AT&T's suggestion that the Commission "order all MIN-based carriers to perform the network and system upgrades necessary to support the wireless number portability solution for automatic roaming by the date of wireless LNP implementation" is without a factual or legal basis and must be rejected.¹¹

AT&T correctly notes, however, that the Commission should delay "the wireless LNP date until all providers have a reasonable chance to perform the network changes".¹² All carriers nationwide who want to continue to support "automatic roaming", from those serving the largest

⁹ First Report and Order, para. 186.

¹⁰ SBC Comments, p. 9, filed August 10, 1998.

¹¹ AT&T Comments, p. 10.

PCS Metropolitan Trading Area (MTA) to those serving the smallest cellular Rural Service Area (RSA), are impacted by LNP and the need to support the MIN/MDN split. All such carriers should have the opportunity to deploy and test the network changes prior to wireless LNP being required. As TRA notes, to successfully implement the MIN/MDN approach agreed upon by the industry there must be a nationwide "flash cut".¹³ As TRA admits, "development and deployment of the national capability for this MIN/MDN separation is almost certain to be a major cause of delay in implementing wireless number portability".¹⁴ The work needed to accomplish this MIN/MDN split is proceeding. Releases by switch vendors are being developed, but are not yet available. The earliest availability of any switch vendor serving SBC is first quarter 1999. The industry will need adequate time to deploy and implement the technology nationwide. Even if the Commission rejects the argument that forbearance is proper based on the detrimental effect of wireless number portability on competition as outlined in the CTIA Forbearance Petition and pleadings filed in support thereof, the Commission should still grant an extension beyond the nine month time frame delegated to the Wireless Bureau until all carriers have had an opportunity to deploy and test the changes. As AT&T notes, "Automatic roaming is simply too important to sacrifice for the purpose of satisfying a non-statutory wireless LNP deadline".¹⁵

B. The Commission Cannot Ignore the Difficulties and Problems Associated with the MIN/MDN Split and Automatic Roaming

This Commission acknowledged early in the process that wireless number portability

¹² Id., at 9.

¹³ TRA Comments, p. 8. TRA states that each "CMRS cell" would have to be flash cut—this is incorrect because the changes are not made at the cell site level and because it affects only those who continue to support automatic roaming.

¹⁴ Id.

¹⁵ AT&T Comments, p. 9.

“presents technical burdens unique to the provision of seamless roaming” on wireless networks.¹⁶

The difficulties facing the industry and the solutions being developed to overcome such difficulties have been well documented in this docket, in the works of the CTIA Task Force and in the Integration Report.¹⁷

MCI suggests that the Commission should ignore such problems by not “giving any credence to Section 4” of the Integration Report which discusses the various problems. MCI states that Section 4 should be ignored because it “contains the same hackneyed recitals of why wireless carriers cannot implement number portability” and “contains nothing more than the same arguments that the wireless industry has used in repeated petitions to delay number portability”.¹⁸ The wireless industry should not be chastised for explaining its problems and difficulties to the Commission, especially in light of the Commission’s recognition of the unique problems associated with the continuance of seamless roaming. Had the Commission been kept in the dark about the problems, development of solutions and time frames for implementing such solutions, including time for testing—which time frames necessarily extend beyond the June 30, 1999 deadline—MCI would have chastised the industry for not keeping the Commission informed and waiting until the last minute to seek an extension. The fact that the Commission has previously been made aware of the problems and proposed solutions does not make the problems any less real and does not make the problems go away. The Commission should give full credence to Section 4 and recognize that it adds further support to the need to extend the June

¹⁶ First Report and Order, para. 164.

¹⁷ See, e.g., CTIA Petitions for Extension and Forbearance (especially Affidavit of Arthur L. Prest); AT&T Comments on CTIA Petition for Extension and accompanying Affidavit; Integration Report Section 4.

¹⁸ MCI Comments, p. 7.

¹⁹ MCI Comments, p. 4.

30, 1999 deadline. MCI's claim is without merit.

Equally without merit is MCI's bold statement that "There is no debate that number portability promotes both competition and efficient use of numbers".¹⁹ Whether competition would be better served by not imposing wireless number portability at the present time is a major subject of debate in the CTIA Forbearance Petition as to whether the Commission should forbear from enforcing wireless number portability beyond the time it becomes technically feasible. The debate has the majority of the facilities based carriers, including new PCS entrants, arguing that forbearance will promote competition and non-facilities based resellers such as MCI and TRA taking an opposite view.²⁰

C. The Commission Should Not Reject the Recommendation and the Work of the Industry by Adopting TRA's Proposal

TRA suggests that the Commission should reject the recommendation and work of the industry regarding the MIN/MDN split solution and adopt in its place a solution "similar to that used for wireline portability—a 'location routing number' (LRN) approach" and the development of a brand new roamer registration approach based on a "Line Information Database Approach".²¹ The MIN/MDN split solution was developed as the most efficient and economical method of implementing wireless LNP, utilizing to the largest extent possible the wireline LNP process and the established roaming processes and procedures. Vendors are developing releases to allow the MIN/MDN split and affected carriers are working to develop and/or procure the necessary billing and operational support changes. Now is not the time to

²⁰ See, Reply Comments of Southwestern Bell Mobile Systems, Inc., and Pacific Mobile Services on CTIA Petition for Forbearance, filed March 10, 1998, pp. 1-2.

²¹ TRA Comments, pp. 10-12.

whimsically scrap the work of the industry and adopt a new solution by analogy.

The TRA proposal contains flaws even in its undeveloped state. The analogies do not fully take into account the complexities and processes associated with automatic roaming. The TRA proposal assumes that by following its proposal the small rural carriers will not be affected and such a system could be implemented relatively quickly and at a lesser cost. There are no facts to support this assumption. All carriers wanting to support "automatic roaming" are going to be affected under any wireless LNP scenario. For example, TRA's proposal causes additional problems for the visited carriers in terms of billing and how to match the customer to the particular carrier. In addition, contrary to TRA's assumption,²² there is not a single "signaling message processing" system used today in performing roamer registration—carriers take advantage of various options.

The industry met, discussed at length various solutions, chose the solution believed to be the best and has been working on its implementation. Should the Commission reject the recommendation, scrap the work performed to date and adopt a not fully defined "similar to" solution as suggested by TRA? The answer is no. The task forces and work groups were established to discuss, analyze and arrive at the best solution—there is nothing presented to indicate that this has not been done, nor was there any incentive for anyone not to pick the best solution. If the Commission is persuaded that the TRA "proposal by analogy" may have merit above and beyond that chosen by the industry, the Commission should direct the working groups to review and analyze the proposal and prepare a recommendation. The Commission needs to be mindful, however, of the effect that uncertainty on a solution may cause on the implementation

²² TRA Comments, p. 11.

deadline. Few vendors can be expected to continue working on the MIN/MDN split based releases if there is uncertainty as to whether the solution will ever be implemented.

2. THE COMMISSION MUST PROVIDE CLARIFICATION ON THE DISPARITY ISSUES

As previously noted, the Commission must give the industry guidance as to whether the "rate center disparities" and "porting interval disparities" are acceptable.²³ A review of the comments indicates that there is a split over whether such disparities constitute a "competitive disparity" and should be allowed.²⁴ For example, MCI objects to the disparity in porting intervals whereas AT&T supports such disparities.²⁵ Such differences of opinion demonstrate the need for the Commission to state whether such disparities are acceptable, and, if so, to expressly state that such disparity cannot be the basis of a claim of discrimination. Further, as noted by CTIA, the Commission should expressly state that wireless carriers should not be forced into revamping their systems to conform to rate center boundaries.²⁶

3. THE COMMISSION SHOULD NOT ERADICATE THE EXISTING RATE CENTER STRUCTURE.

MCI uses the "rate center disparity" issue to argue that the Commission should assume control of and eradicate the rate center structure that is the basis for local calling scopes.²⁷ MCI's proposal to disassociate numbering from call rating is just "location portability" by another name. While MCI denies that this is the case, the changes required by its proposal are the same changes required for location portability. MCI recognized the potential impact of what it is

²³ See, SBC Comments, pp. 3-7.

²⁴ Compare, AT&T Comments, pp. 5-7; MCI Comments, pp. 8-10.

²⁵ Id.

²⁶ CTIA Comments, pp. 8-12.

²⁷ MCI Comments, pp. 14-16.

suggesting, noting that "precipitous actions by the Commission" in this area "could be unsettling, and thus ultimately harmful to local telephone competition".²⁸ The MCI proposal has enormous state regulatory implications and enormous cost implications. The rate center structure is a state issue, as this Commission noted in delegating the issue of location portability to the states.²⁹ MCI's request that the Commission become involved and eradicate the rate center structure should be rejected.

4. THE COMMISSION SHOULD INSTRUCT THE NANC TO CLEARLY IDENTIFY ANY CHANGES TO THE RECOMMENDATION OF ITS WORKING GROUPS

BellSouth notes its concerns with the NANC modifying the recommendations of the working group without the working group's concurrence. BellSouth notes that when "NANC submitted the WWITF³⁰ Report to the Commission, it did not advise the Commission that it had either deleted the original analysis plan or modified the original completion dates recommended by the WWITF".³¹ BellSouth suggests that the Commission should clarify that if NANC does not agree with or endorse a working group report, the NANC should either return the report to the working group for reconsideration or submit the unaltered report and summarize NANC's concerns or disagreement under a separate attachment.³² SBC shares the concern that changes to working group recommendations should be clearly identified. The Commission should direct the NANC to clearly identify any changes made to the reports of its working groups and fully explain and document the changes or rejection of a working group recommendation.

²⁸ MCI Comments, p. 15.

²⁹ First Report and Order, para. 186.

³⁰ Wireless Wireline Integration Task Force.

³¹ BellSouth Comments, p. 11.

³² *Id.* p. 12.

5. IF ECONOMICALLY EFFICIENT, USE OF A CLEARINGHOUSE FOR DISSEMINATION OF INFORMATION SHOULD BE MANDATORY

CTIA, in conjunction with the NANC, has recommended that a clearinghouse would more accurately serve the wireless need for dissemination of information regarding switches for which number portability has been requested. AT&T suggests that if a clearinghouse is established for this function, use of the clearinghouse should be mandatory and information regarding wireless LNP requests should not be disseminated in any other form.³³ SBC supports AT&T's request—if a clearinghouse is deemed to be an economically efficient means of dissemination, participation should be mandatory.

CONCLUSION

For the reasons stated herein and in the Comments and Replies supporting CTIA's Petition for a Nine Month Extension and Petition for Forbearance, the Commission should grant the requested delay of the June 30, 1999 wireless LNP deadline. The Commission should reject reseller arguments that the Commission should: 1) aggressively advance wireless number portability; 2) should reject the recommended industry solution; or 3) should become involved in rate center eradication. The Commission should, however, give the industry direction on the issues of disparity.

³³ AT&T Comments, p. 7.

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CERTIFICATE OF SERVICE

I, Bruce E. Beard, on behalf of Southwestern Bell Communications, Inc., hereby certify that on this 31st day of August, 1998, a copy of the foregoing was mailed by U.S. Mail, postage prepaid, or otherwise delivered to the parties listed below.

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